

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RONNIE JONES, RICHARD BECKERS,
WALTER R. WASHINGTON, WILLIAM
E. BRIDGEFORTH, SHAWN N. HARRIS,
EUGENE WADE, GEORGE C. DOWNING,
JR., CLARARISE BRISTOW, RACHELLE
COUCH, KERI HOGAN AND THE
MASSACHUSETTS ASSOCIATION OF
MINORITY LAW ENFORCEMENT
OFFICERS,

Plaintiffs,

v.

CITY OF BOSTON, BOSTON POLICE
DEPARTMENT, and KATHLEEN O'TOOLE,
as she is Commissioner of the Boston Police
Department,

Defendants.

C.A. No. 05-11832-GAO

DEFENDANTS' MOTION FOR A PROTECTIVE ORDER

The Defendant, City of Boston (hereafter, "Defendant" or "City"), seeks a two-fold protective order. First, the City seeks an order prohibiting the depositions of eight non-party police officers who have received positive hair drug test results, followed by negative safety net results (hereafter "safety net negative officers") because (1) these non-party officers' deposition testimony bears no relevance on any material issue in this litigation's first phase of discovery; (2) depositions of these nonparty officers on such personal, irrelevant matters as their possible use of illicit drugs constitutes an unnecessary intrusion of these non-parties' privacy; and (3)

depositions of these nonparty officers amounts to harassment, is burdensome to the City, and contravenes the very purposes for this litigation's streamlined two-phase discovery.

Additionally, the City seeks protection from the proposed depositions of 15 former and current employees, including the incumbent Police Commissioner (who has only held the position since December 2006), because these depositions duplicate other already completed discovery, is cumulative of other evidence, and since the information in the possession of these individuals does not pertain to the main issue to be addressed in the first phase of this litigation – namely, whether the hair drug test is accurate and reliable – the burdensomeness of the proposed discovery greatly outweighs its probative value.

Further support for this motion is provided in the accompanying memorandum of law.

Respectfully submitted,

DEFENDANTS CITY OF BOSTON,
BOSTON POLICE DEPARTMENT, AND
KATHLEEN O'TOOLE

By their attorneys,

/s/ Mary Jo Harris
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Dated: January 29, 2007

CERTIFICATE OF SERVICE

I, Mary Jo Harris, hereby certify that this document was forwarded to counsel for the Plaintiffs on this date by hand.

/s/ Mary Jo Harris
Mary Jo Harris

7.1 Certification

Undersigned counsel certifies that pursuant to LR, D. Mass. 7.1(a)(2), she contacted Plaintiffs' counsel and we were unable to resolve or narrow the issue prior to filing the above motion.

1/29/07
Date: _____

/s/ Mary Jo Harris
Mary Jo Harris